

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA**

Defendants.

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SECOND SPEEDY TRIAL REPORT

Pursuant to Local Rule 88.5 and the Court's Omnibus Order Setting Trial Date and Establishing Pretrial Instructions and Sentencing Procedures (ECF No. 28), both of which require the filing of Speedy Trial Reports, the United States hereby files this Speedy Trial Report regarding the status of this case under the Speedy Trial Act of 1984, 18 U.S.C. § 3161 *et seq* ("Speedy Trial Act").¹

In the First Speedy Trial Report, filed on July 11, the Government reported that five non-excludable days had elapsed under the Speedy Trial Act and 23 days had been tolled since June 13, 2023, when Defendants Trump and Nauta first appeared before a judicial officer in the court in which the charges are pending. As of July 11, the Government's Motion to Continue Trial was still pending. The Court disposed of that motion on July 21, thereby resulting in an additional ten

¹ Counsel for Defendants Trump and Nauta have reviewed this filing and have authorized the Government to represent that they concur with the Speedy Trial Act calculations set forth herein. The Government provided a copy to counsel for Defendant De Oliveira. Counsel has yet to enter an appearance and accordingly did not take a position.

days of excludable time, for a total of 33 days of excludable time. However, on July 27, the grand jury returned a superseding indictment adding a new Defendant, Carlos De Oliveira. That restarted the Speedy Trial clock for all three Defendants. *See Henderson v. United States*, 476 U.S. 321, 323 n.2 (1986) (“All defendants who are joined for trial generally fall within the speedy trial computation of the latest codefendant.”). *See also United States v. King*, 483 F.3d 969, 973 (9th Cir. 2007) (a superseding indictment adding a new defendant “restarts the STA clock for all defendants.”); *United States v. Porchay*, 651 F.3d 930 (8th Cir. 2011) (“When a newly indicted defendant is joined with a defendant whose speedy trial clock has already started running, the latter defendant’s speedy trial clock will be reset to that of the new defendant.” (quotations omitted)); *United States v. Van Smith*, 530 F.3d 967, 972 (D.C. Cir. 2008) (“In view of this important policy”—i.e., ensuring that “the government will not be forced to choose between prosecuting defendants separately and violating the Speedy Trial Act”—“and the Supreme Court’s straightforward application of this provision in *Henderson*, 476 U.S. at 323 n. 2, we hold that the addition of co-defendant Trent on October 29, 2004 restarted Smith’s speedy trial clock.”); *United States v. Barnes*, 251 F.3d 251, 258 (1st Cir. 2001) (“Resetting the clock upon the return of the superseding indictment synchronized the original defendant (Marla) with the newly-joined defendant (Reynaldo) for purposes of the STA.”); *United States v. Gambino*, 59 F.3d 353 (2d Cir. 1995) (“[T]he speedy trial clock in cases involving multiple defendants begins with the running of the clock for the most recently added defendant.”).

In its July 21 Order Granting in Part Government’s Motion to Continue Trial and Resetting Deadlines, the Court excluded all of the time between the date of that Order and the trial date of May 20, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A). If for any reason the Speedy Trial clock

begins to run after May 20, 2024, 70 days remain before a trial must begin.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jay I. Bratt, certify that on August 1, 2023, I electronically filed the foregoing document with the Clerk of Court using CM/ECF.

/s/ Jay I. Bratt
Jay I. Bratt